

1 - E.P.A. Sets a Lower Limit for Soot Particles in the Air

New York Times, 12/14/2012

http://www.nytimes.com/2012/12/15/science/earth/epa-proposes-tighter-soot-rule.html?_r=1&pagewanted=print

Summary: The Environmental Protection Agency announced a new standard for soot pollution on Friday that will force industry, utilities and local governments to find ways to reduce emissions of particles that are linked to thousands of cases of disease and death each year. The agency, acting under a court deadline, set an annual standard of 12 micrograms per cubic meter of air, a significant tightening from the previous standard of 15 micrograms, set in 1997, which a federal court found too weak to adequately protect public health. The new standard is in the middle of the range of 11 to 13 micrograms per cubic meter that the E.P.A.'s science advisory panel recommended. Communities must meet the new standard by 2020 or face possible penalties, including loss of federal transportation financing.

2 - EPA tightens standards for soot pollution

Houston Chronicle, 12/14/2012

<http://www.chron.com/business/energy/article/EPA-tightens-standards-for-soot-pollution-4118581.php>

Summary: In its first major regulation since the election, the Obama administration on Friday imposed a new air quality standard that reduces by 20 percent the maximum amount of soot released into the air from smokestacks, diesel trucks and other sources of pollution.

Environmental Protection Agency Administrator Lisa Jackson said the new standard will save thousands of lives each year and reduce the burden of illness in communities across the country, as people "benefit from the simple fact of being able to breathe cleaner air."

3 - EPA chief touts new soot standards, dodges questions about her future

Greenwire, 12/14/2012

<http://www.eenews.net/eenewspm/print/2012/12/14/1>

Summary: U.S. EPA Administrator Lisa Jackson said today that she is "proud" of the agency's new air standards for fine particles. EPA today lowered the national ambient air quality standards (NAAQS) for fine particles, or PM 2.5 and soot, from 15 micrograms per cubic meter averaged over a year to 12 micrograms (Greenwire, Dec. 14). Jackson, on a conference call with reporters, noted that the standard hasn't been updated in a decade and a half. "The health benefits," she went on, "will mean fewer expensive trips to the emergency room and extended hospital stays." Fine particles come from a variety of sources, including auto tailpipes, boilers and power plants. They can penetrate deep into the lungs, causing myriad cardiovascular and respiratory problems. A court-ordered deadline forced EPA to set the new standards by today, after EPA failed to revise the 1997 version by an October 2011 deadline.

4 - New soot limits squeeze Harris County

Houston Chronicle, 12/14/2012

<http://www.chron.com/news/houston-texas/houston/article/New-soot-limits-squeeze-Harris-County-4118806.php>

Summary: Harris County, long known for smog, will need to clamp down on another harmful type of air pollution for the first time under new rules imposed Friday by federal regulators. The Environmental Protection Agency set stricter standards for tiny particulate matter, or soot, a move that will force additional cleanup from the county, which already is out of compliance for ozone, or smog. Harris County is the only place in Texas with soot levels in violation of the new limits. As a result, it becomes harder for some industries to expand operations and could require cleaner operations along the Ship Channel. Soot particles from flares, diesel exhaust and road grit, among other sources, are so small, thousands of them could fit on the head of a pin. They can get deep inside the lungs, causing disease and early death.

5 - Texas company's challenge to proposed EPA greenhouse gas rules nixed

Houston Chronicle, 12/13/2012

<http://www.chron.com/news/houston-texas/houston/article/Texas-company-s-challenge-to-proposed-EPA-4116434.php>

Summary: A federal appeals court on Thursday dismissed a Houston developer's challenge to the Environmental Protection Agency's proposed rules for limiting emissions of greenhouse gases from new power plants. The U.S. Court of Appeals for the District of Columbia said the draft rules were not subject to judicial review because the EPA has not finalized them. The ruling delivered a significant blow to Chase Power Development's Las Brisas Energy Center, a planned power plant in Corpus Christi. The \$3 billion project has stalled as the federal government pushes to limit emissions of carbon dioxide and other gases linked to global warming from new power plants. The first-ever rules are expected to bring an end to the era of coal-burning power generation as energy producers opt for cheap and plentiful natural gas.

6 - Government agencies didn't uphold own standards

Victoria Advocate Op-Ed, 12/15/2012

http://www.victoriaadvocate.com/news/2012/dec/15/vp_col_dohmann_121512_196462/?print

Summary: On Dec. 4, the U.S. Environmental Protection Agency (EPA) issued the aquifer exemption for in situ uranium mining in the top four drinking water supply sands near Ander in Goliad County. In March 2011, the Texas Commission on Environmental Quality (TCEQ) approved this aquifer exemption over the objection of the administrative law judge, who stated that the permit should be remanded for additional technical evaluation or, in the alternate, that the permit be denied. When the aquifer exemption was sent to the EPA by TCEQ, the EPA determined that the application was incomplete. Over an extended period, the EPA requested hydrologic data to assist it in making its decision as "the protection of drinking water is one of the EPA's highest priorities." This included that modeling be done to determine if a link existed between the aquifer exemption area and adjacent drinking water supply wells. Additionally, the EPA requested that a pump test be performed across the southeast fault to document its hydrologic characteristics. There is no public information that any of this hydrologic data was ever provided.

7 - At church, generations gathered unaware of danger in the ground

Dallas Morning News, 12/16/2012

<http://www.dallasnews.com/burdenoflead/20121216-at-church-generations-gathered-unaware-of-danger-in-the-ground.ece>

Summary: At 85 years old, Pastor Velma Johnson takes her well-earned place at the front of the church on Muncie Avenue. She has spent her life in West Dallas praising the word of God and teaching her brood right from wrong. She and her husband moved into the neighborhood in 1946. Wesley Johnson, a construction foreman who had a hand in many of the landmarks in downtown Dallas, built the Liberty in Christ House of God Church next to their house in 1959. They raised their family, grew vegetables in the yard, and ate fish and crawdads from the creek out back. The children often made mudpies. Soil testing in the yard outside the church earlier this year revealed a lead level of 591 parts per million. That exceeds the EPA's standard for areas where children play. But it's unclear whether it will ever be cleaned up. The harmful levels of lead may also suggest a cause for the multitude of unexplained illnesses, the frequent number of miscarriages in the family and other ailments, including high blood pressure, heart trouble and diabetes. But no one will ever know for sure.

8 - Federal Building's renovation earns it a platinum rating

Houston Chronicle, 12/16/2012

<http://www.chron.com/news/houston-texas/houston/article/Federal-Building-s-renovation-earns-it-a-platinum-4122726.php>

Summary: Much like their human counterparts inside, butterflies and bees flutter and rush around on the rooftop garden of the Hipolito F. Garcia Federal Building and U.S. Courthouse in San Antonio. The green roof is the centerpiece of a \$56 million renovation of the 75-year-old building, the "greenest" owned by the U.S. General Services Administration. It is the first GSA building to earn platinum - the highest - certification for new construction, categorized that way because the work was so extensive in its category from the U.S. Green Building Council under its Leadership in Energy and Environmental Design rating system.

9 - Environmentalists to challenge offshore lease sales

San Antonio Express-News, 12/17/2012

<http://www.mysanantonio.com/business/article/Environmentalists-to-challenge-offshore-lease-4122479.php>

Summary: Environmentalists are set to file a lawsuit today challenging the Obama administration's plans to sell offshore drilling leases over the next five years, using a novel argument: that the government overlooked the value of waiting to harvest oil and gas from those coastal waters. The economic-driven approach is a new one for offshore drilling critics, who have separately accused the government of moving too swiftly to approve new oil and natural gas exploration after the Deepwater Horizon disaster and of ignoring the environmental effects of the work.

10 - Texas inspectors field-test stepped-up enforcement

EnergyWire, 12/17/2012

<http://www.eenews.net/energywire/print/2012/12/17/2>

Summary: The state agency that regulates the most oil and gas drilling in the country is stepping up use of its most potent penalty -- shutting down wells. The Texas Railroad Commission has used the penalty, called "severing" or "sealing" a well, mostly against operators that fail to file paperwork rather than health or safety violations. But the commission, which oversees oil and gas but not railroads, is field-testing a program to refer severance cases to headquarters for enforcement if problems aren't corrected or the severances pile up. That could mean a massive increase in enforcement, because the commission has historically issued far more severances than enforcement actions. In 2009, drilling inspectors referred about 3,200 cases for enforcement. But the agency issued more than 10,000 severance orders.

11 - Cement Sector, Environmentalists Spar Over EPA Plan To Soften Air Rules

Inside EPA, 12/14/2012

<http://insideepa.com/201212142419271/EPA-Daily-News/Daily-News/cement-sector-environmentalists-spar-over-epa-plan-to-soften-air-rules/menu-id-95.html>

Summary: The Portland cement industry and environmentalists are sparring over an imminent EPA rule revising emission control requirements for the sector and delaying compliance by two years, with industry pushing EPA to issue the rule as planned while environmentalists warn the rule would be too weak and "unlawful" under the Clean Air Act. The industry is urging EPA to quickly finalize a rule that will revise air rules for the sector but delay the compliance deadline for the regulations by two years, offering support for the agency's proposal to soften particulate matter (PM) standards for cement producers by saying recent data justifies the weaker limits. Representatives of the Portland Cement Association (PCA) and several cement companies met with White House Office of Management and Budget (OMB) and EPA officials Dec. 12 to support EPA's imminent final reconsidered national emission standard for hazardous air pollutants (NESHAP) and criteria pollutant rules for the sector. OMB began review of the rule Dec. 6, according to OMB's website, with the agency facing a looming Dec. 20 consent decree deadline to finalize the rule. The Dec. 20 deadline stems from a settlement with PCA and others in the industry to propose revisions to the rules.

The New York Times

December 14, 2012

E.P.A. Sets a Lower Limit for Soot Particles in the Air

By JOHN M. BRODER

WASHINGTON — The [Environmental Protection Agency](#) announced a new standard for [soot pollution](#) on Friday that will force industry, utilities and local governments to find ways to reduce emissions of particles that are linked to thousands of cases of disease and death each year.

The agency, acting under a court deadline, set an annual standard of 12 micrograms per cubic meter of air, a significant tightening from the previous standard of 15 micrograms, set in 1997, which a federal court found too weak to adequately protect public health. The new standard is in the middle of the range of 11 to 13 micrograms per cubic meter that the E.P.A.'s science advisory panel recommended.

Communities must meet the new standard by 2020 or face possible penalties, including loss of federal transportation financing.

The E.P.A. based its action on health studies that found that exposure to fine particles — in this case measuring 2.5 micrometers in diameter — brought a marked increase in heart and lung disease, acute [asthma](#) attacks and early death. Older people, adults with heart and lung ailments and children are particularly susceptible to the ill effects.

The agency estimates the benefit of the new rule at \$4 billion to \$9 billion a year, and the annual costs of putting it into effect at \$53 million to \$350 million.

“These fine particles penetrate deep into the lungs, causing serious and costly health effects,” said [Lisa P. Jackson](#), the E.P.A. administrator. “As the mother of two sons who have battled asthma, the benefits are not just numbers or abstract concepts.”

Today [66 counties in eight states](#) do not meet the new standard, including the metropolitan areas of Los Angeles, Houston, St. Louis, Chicago, Cleveland and Pittsburgh. The E.P.A. estimates that by 2020, when the rule is fully in force, only seven counties, all of them in California, will still be out of compliance. Other current rules on mercury, sulfur and other pollution from vehicles, factories and power plants will cause that reduction.

“We know clearly that particle pollution is harmful at levels well below those previously deemed to be safe,” Dr. Norman H. Edelman, chief medical officer for the American Lung Association, said in a [statement](#). “It will save lives,” he said.

Utility industry officials [pleaded](#) with the E.P.A. on Thursday to delay the release of the new rule, arguing that the standard is based on incomplete science and would impose costly new burdens on states and cities.

Utilities, joined by trade associations representing manufacturers, chemical companies and the oil and gas industry, said the new rule would push many communities into noncompliance, making it harder to obtain permits for new businesses that create jobs.

Scott H. Segal, representing a coalition of coal companies and utilities, wrote to Ms. Jackson, pointing to a [2011 study](#) saying that citing counties for noncompliance “increases energy prices, reduces manufacturing productivity and causes local manufacturing companies to exit the areas that are designated as being in nonattainment.”

Six senators, led by Orrin G. Hatch, Republican of Utah, wrote Ms. Jackson on Friday expressing concern about the new rule. “E.P.A. should not rush at this time toward imposing more regulatory burdens on struggling areas,” the lawmakers wrote.

Advocates of the new rule said these complaints were overblown. “While the health benefits are extensive, opponents of common-sense pollution standards are repeating false time-worn claims that clean air is too costly,” said Vickie Patton, general counsel of the [Environmental Defense Fund](#).

[Jeffrey R. Holmstead](#), who led the E.P.A.’s air quality office in President George W. Bush’s administration and who now represents business clients, took a more sanguine view of the agency’s action than many other industry spokesmen.

He said the impact of the new rule would depend on how the E.P.A. chooses to enforce it. “Normally, a new standard means a rash of new regulations, but E.P.A. claims that virtually every area of the country will meet the new standard without the need for new regulatory requirements,” he said in an e-mail. “If so, then maybe the new standard won’t cause the type of economic disruption that we’ve seen in the past.”

EPA tightens standards for soot pollution

By MATTHEW DALY, Associated Press | December 14, 2012 | Updated: December 14, 2012 5:53pm

WASHINGTON (AP) — In its first major regulation since the election, the Obama administration on Friday imposed a new air quality standard that reduces by 20 percent the maximum amount of soot released into the air from smokestacks, diesel trucks and other sources of pollution.

Environmental Protection Agency Administrator Lisa Jackson said the new standard will save thousands of lives each year and reduce the burden of illness in communities across the country, as people "benefit from the simple fact of being able to breathe cleaner air."

As a mother of two sons who have battled asthma, Jackson said she was pleased that "more mothers like me will be able to rest a little easier knowing their children, and their children's children, will have cleaner air to breathe for decades to come."

Announcement of the new standard met a court deadline in a lawsuit by 11 states and public health groups. The new annual standard is 12 micrograms per cubic meter of air, down from the current 15 micrograms per cubic meter.

The new soot standard has been highly anticipated by environmental and business groups, who have battled over the extent to which it would protect public health or cause job losses. The EPA said its analysis shows the rule will have a net benefit ranging from about \$3.6 billion to \$9 billion a year.

A study by the American Lung Association and other groups said the new standard will save an estimated 15,000 lives a year — many in urban areas where exposure to emissions from older, dirty diesel engines and coal-fired power plants are greatest.

Soot, or fine particulate matter, is made up of microscopic particles released from smokestacks, diesel trucks, wood-burning stoves and other sources and contributes to haze. Breathing in soot can cause lung and heart problems, contributing to heart attacks, strokes and asthma attacks.

Environmental groups and public health advocates welcomed the new standard, saying it will protect millions of Americans at risk for soot-related asthma attacks, lung cancer, heart disease and premature death.

Dr. Norman H. Edelman, chief medical officer for the American Lung Association, said a new standard will force industries to clean up what he called a "lethal pollutant." Reducing soot pollution "will prevent heart attacks and asthma attacks and will keep children out of the emergency room and hospitals," Edelman said in a statement. "It will save lives."

But congressional Republicans and industry officials called the new standard overly strict and said it could hurt economic growth and cause job losses in areas where pollution levels are determined to be too high. Conservative critics said they feared the rule was the beginning of a "regulatory cliff" that includes a forthcoming EPA rule on ozone, or smog, as well as pending greenhouse gas regulations for refineries and rules curbing mercury emissions at power plants.

Ross Eisenberg, vice president of the National Association of Manufacturers, said the new soot rule is "yet another costly, overly burdensome" regulation that is "out of sync" with President Barack Obama's executive order last year to streamline federal regulations.

The soot rule will "place many promising new projects — and the jobs they create — into permit limbo," Eisenberg said.

A letter signed by one Democratic and five Republican senators said the EPA rule would "impose significant new economic burdens on many communities, hurting workers and their families just as they are struggling to overcome difficult economic times."

The letter cited EPA data showing that air quality in the United States is at its highest level in 30 years — a sign that the current standard is working, the senators said. The letter was signed by Republican Sens. Orrin Hatch and Michael Lee of Utah, Roy Blunt of Missouri, James Inhofe of Oklahoma, Rob Portman of Ohio and Democratic Sen. Mary Landrieu of Louisiana.

A letter signed by 56 House Democrats said the new standards will mean fewer hospital trips for millions of people and billions of dollars saved.

"Morally and fiscally, this is a no-brainer," said the letter, initiated by Rep. Charles Rangel, D-N.Y. He and other supporters said the new standards were particularly important in urban areas such as New York and Los Angeles, where soot and smog and can make breathing difficult.

The letter cited a report issued last year by the Centers for Disease Control and Prevention indicating that racial minorities are more likely to live in areas where air pollution exceeds national standards.

Jackson and other administration officials said the new rule was based on a rigorous scientific review. Only 66 of more than 3,000 U.S. counties would fail to meet the proposed standard, which takes effect early next year.

The EPA said it would start designating counties that fail to meet the new soot standards as soon as December 2014, but would give states up to five years to meet the revised standard.

All but seven counties in the United States — all in California — are projected to meet the new standard by 2020 with no additional actions needed beyond compliance with existing and pending rules set by the EPA, EPA officials said. The counties are Imperial, Kern, Los Angeles, Merced, Riverside, San Bernardino and Tulare.

Jackson and other officials said they will work with states and counties to ensure they can meet the new standards without penalties, including loss of federal transportation money.

The Obama administration had sought to delay the new soot standards until after the November election, but a federal judge ordered officials to act sooner, and the administration released a proposed rule in June.

STAY AHEAD OF THE HEADLINES

1. AIR POLLUTION:

EPA chief touts new soot standards, dodges questions about her future

Jeremy P. Jacobs, E&E reporter

Published: Friday, December 14, 2012

U.S. EPA Administrator Lisa Jackson said today that she is "proud" of the agency's new air standards for fine particles.

EPA today lowered the national ambient air quality standards (NAAQS) for fine particles, or PM 2.5 and soot, from 15 micrograms per cubic meter averaged over a year to 12 micrograms ([Greenwire](#), Dec. 14).

Jackson, on a conference call with reporters, noted that the standard hasn't been updated in a decade and a half.

"The health benefits," she went on, "will mean fewer expensive trips to the emergency room and extended hospital stays."

Fine particles come from a variety of sources, including auto tailpipes, boilers and power plants. They can penetrate deep into the lungs, causing myriad cardiovascular and respiratory problems. A court-ordered deadline forced EPA to set the new standards by today, after EPA failed to revise the 1997 version by an October 2011 deadline.

Jackson said 99 percent of U.S. counties are projected to meet the standards without any additional action because of other EPA regulations that are already reducing fine particle emissions.

The agency has identified 66 counties that currently do not meet the 12-microgram standard, but 47 of those were already designated as out of attainment, said EPA air chief Gina McCarthy. Very few of the remaining counties will need to take further action, she said, because of anticipated reductions associated with other regulations.

Jackson emphasized that the standards will have tremendous health benefits such as reduced asthma attacks and fewer nonfatal heart attacks without much cost. The benefits, EPA said, will range from \$4 billion to \$9 billion per year, while costs will range from \$53 million to \$350 million.

The administrator also defended a new provision requiring roadside monitoring for fine particles. She said EPA doesn't want to "average away these benefits," meaning that the monitors will allow EPA to see whether vulnerable populations that live near roadways are disproportionately affected. Those areas, she said, are often populated by low-income or otherwise disadvantaged communities.

Jackson added that the standards will reassure Americans that the air they breathe is safe.

"Mothers like me will be able to rest a little easier knowing that their children and their children's children will have cleaner air to breathe," she said.

Capitol Hill reacts

Reaction on and off Capitol Hill was mixed.

Several Democrats applauded EPA's announcement. Delaware Sen. Tom Carper commended the agency.

"We've known for decades that particle pollution from sources like old coal plants and old diesel engines contaminate the air we breathe and cause damage to our lungs, causing significant health problems --

including death -- for millions of Americans annually," Carper, the chairman of the Senate Environment and Public Works Subcommittee on Clean Air and Nuclear Safety, said in a statement.

But Oklahoma Sen. James Inhofe, the top Republican on the Environment and Public Works Committee, said the standards are the first in what he expects will be a litany of burdensome EPA regulations in President Obama's second term.

"And so it begins -- EPA's PM NAAQS, finalized today, is the first in an onslaught of post-election rulemakings that will place considerable burdens on our struggling economy and eventually push us over the 'regulatory cliff,'" Inhofe said in a statement.

Similarly, Bill Kovacs of the U.S. Chamber of Commerce called the regulations the "most restrictive air quality standards ever issued."

Michael Brune of the Sierra Club said he was preparing for Republicans to try to undercut the new standards.

"We now stand ready to join the administration in vigorously defending the stronger soot limits from congressional attacks that would seek to roll back this victory for public health," Brune said.

Will Jackson stay at EPA?

On the conference call with reporters, Jackson was also asked whether she will leave her post in Obama's second term. So far, she has yet to say whether she wants to stay on.

Jackson was coy in responding.

"What I can say is that on days like today, I am reminded of the incredible importance of the work of our agency," she said.

She added: "There is plenty of work left to do ... but it's exciting and energizing."

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New soot limits squeeze Harris County

By Matthew Tresaugue | December 14, 2012

Harris County, long known for smog, will need to clamp down on another harmful type of air pollution for the first time under new rules imposed Friday by federal regulators.

The Environmental Protection Agency set stricter standards for tiny particulate matter, or soot, a move that will force additional cleanup from the county, which already is out of compliance for ozone, or smog.

Harris County is the only place in Texas with soots levels in violation of the new limits. As a result, it becomes harder for some industries to expand operations and could require cleaner operations along the Ship Channel.

Soot particles from flares, diesel exhaust and road grit, among other sources, are so small, thousands of them could fit on the head of a pin. They can get deep inside the lungs, causing disease and early death.

Texas company's challenge to proposed EPA greenhouse gas rules nixed

By Matthew Tresaugue | December 13, 2012

A federal appeals court on Thursday dismissed a Houston developer's challenge to the Environmental Protection Agency's proposed rules for limiting emissions of greenhouse gases from new power plants.

The U.S. Court of Appeals for the District of Columbia said the draft rules were not subject to judicial review because the EPA has not finalized them.

The ruling delivered a significant blow to Chase Power Development's Las Brisas Energy Center, a planned power plant in Corpus Christi.

The \$3 billion project has stalled as the federal government pushes to limit emissions of carbon dioxide and other gases linked to global warming from new power plants. The first-ever rules are expected to bring an end to the era of coal-burning power generation as energy producers opt for cheap and plentiful natural gas.

The EPA's draft rules require new coal-fired plants to achieve limits that can be met easily by plants fueled by natural gas, which releases about half the carbon dioxide. The rules, known as the New Source Performance Standards, do not cover existing facilities.

The Las Brisas project, as designed, would burn petroleum coke, also known as pet coke, a refinery byproduct that produces about as much carbon dioxide as coal.

The developers have argued that the rules, which federal regulators proposed in March, act as a "moratorium on coal and pet coke plants."

Dave Freysinger, chief executive of Chase Power Development, conceded that it would be difficult to convince the court to block proposed rules, but promised that they will be challenged once finalized.

In the meantime, the project "sits on the shelf because of EPA's actions," Freysinger said.

Las Brisas, as planned, would release about 13 million metric tons of carbon dioxide each year, according to the permit application developers filed with the EPA. The amount would rank it fourth among industrial sources of greenhouse gases in Texas, which leads all states in heat-trapping emissions.

Freysigner has said Las Brisas would reduce heat-trapping emissions because the petroleum coke will stay in Corpus Christi rather than be transported to dirtier plants overseas.

Environmental groups, however, said the planned facility still would emit too much pollution.

"Developers fought this common-sense Clean Air Act standard so that they could pollute our communities without limit," said Al Armendariz, a former EPA official who leads the Sierra Club's anti-coal campaign in Texas. The ruling means "the EPA can finalize its important safeguards, and it means that these coal plants will likely have to capture at least half of their carbon pollution rather than pumping it into Texas skies."

Government agencies didn't uphold own standards



Art Dohmann is the president of the Goliad County Groundwater Conservation District.

By BY ART DOHMANN

Originally published December 15, 2012 at 5 p.m., updated December 15, 2012 at 5 p.m.

On Dec. 4, the U.S. Environmental Protection Agency (EPA) issued the aquifer exemption for in situ uranium mining in the top four drinking water supply sands near Ander in Goliad County.

In March 2011, the Texas Commission on Environmental Quality (TCEQ) approved this aquifer exemption over the objection of the administrative law judge, who stated that the permit should be remanded for additional technical evaluation or, in the alternate, that the permit be denied.

When the aquifer exemption was sent to the EPA by TCEQ, the EPA determined that the application was incomplete. Over an extended period, the EPA requested hydrologic data to assist it in making its decision as "the protection of drinking water is one of the EPA's highest priorities." This included that modeling be done to determine if a link existed between the aquifer exemption area and adjacent drinking water supply wells. Additionally, the EPA requested that a pump test be performed across the southeast fault to document its hydrologic characteristics. There is no public information that any of this hydrologic data was ever provided.

Federal and state statutes mandate that the TCEQ and the EPA protect a source of drinking water, which in this application is the Evangeline Aquifer. A number of critical hydrologic questions have not been answered, so the question if the drinking water outside the boundary of the aquifer exemption is protected is unanswered. The Goliad County Groundwater Conservation District (GCGCD) does not concur that the TCEQ or the EPA performed the necessary due diligence required by the statutes to protect this drinking water supply. In addition, if this water supply becomes contaminated as a result of in-situ uranium mining, TCEQ and the EPA will provide no remedy.

Environmental protection is a critical part of a responsible government.

The TCEQ ignored the recommendations of the administrative law judge and then refused to assist the EPA in the attempt by the EPA to confirm the hydrologic evaluation. In the end, the EPA approved the aquifer exemption without fulfilling its stated obligation.

The Goliad County Groundwater Conservation District has been monitoring water quality around the perimeter of the now-approved aquifer exemption boundary for the last six years. The district is committed to the programs necessary to maintain an adequate supply of good quality drinking water vital to the citizens and economy of Goliad County. The district appreciates the support that it has received from Goliad County groundwater users, and we ask for that continued support.

Art Dohmann is the president of the Goliad County Groundwater Conservation District. Readers with questions or comments may contact Art Dohmann at 361-564-2026, or the Groundwater District office at 361-645-1716.

At church, generations gathered unaware of ground

By VALERIE WIGGLESWORTH

Staff Writer

vwigglesworth@dallasnews.com

Published: 16 December 2012 11:19 PM

At 85 years old, Pastor Velma Johnson takes her well-earned place at the front of the church on Muncie Avenue. She preaches the word of God and teaching her brood right from wrong.

She and her husband moved into the neighborhood in 1946.

Wesley Johnson, a construction foreman who had a hand in many of the landmarks in downtown Dallas, built the Liberty House in 1959. They raised their family, grew vegetables in the yard, and ate fish and crawdads from the creek out back.

Soil testing in the yard outside the church earlier this year revealed a lead level of 591 parts per million. That exceeds the EPA's play. But it's unclear whether it will ever be cleaned up.

The harmful levels of lead may also suggest a cause for the multitude of unexplained illnesses, the frequent number of hospital visits including high blood pressure, heart trouble and diabetes.

But no one will ever know for sure.

Now five generations strong, the family gathers each Sabbath with friends at the church. They celebrate through music.

On a recent Saturday, Johnson relinquished the microphone. Her grandson, David Shanks, belted out a beat on lead tambourines. Even the littlest ones broke into song.

Outside, Larry Haggerty took a cigarette break. He said his family's lives have been inextricably tied to lead.

In the years since the closure of the lead smelter, he's been to the community meetings. He's talked to the lawyers. He's had multiple health problems.

"They all say the same thing: It's going to get better later," Haggerty said.

He wants to know when later will come.

Federal Building's renovation earns it a platinum rating

By Colin McDonald | December 16, 2012



Solar panels on the roof of the Hipolito F. Garcia Federal Building are one of the most notable of the building's many new sustainability features. Other features include an electric refueling station, bike racks, a vegetated "green" roof, window improvements and more. Photo: JOHN DAVENPORT, STAFF / ©San Antonio Express-News/Photo Can Be Sold to the Public
Photo By JOHN DAVENPORT/STAFF

SAN ANTONIO - Much like their human counterparts inside, butterflies and bees flutter and rush around on the rooftop garden of the Hipolito F. Garcia Federal Building and U.S. Courthouse.

The green roof is the centerpiece of a \$56 million renovation of the 75-year-old building, the "greenest" owned by the U.S. General Services Administration. It is the first GSA building to earn platinum - the highest - certification for new construction, categorized that way because the work was so extensive in its category from the U.S. Green Building Council under its Leadership in Energy and Environmental Design rating system.

6 inches of soil

The mixture of native and adaptive grasses and sedum proved that plants can grow on a roof in the middle of San Antonio.

The plants, rooted in six inches of engineered soil, help keep the building cool in the summer and warm in the winter, protect the roof from the sun's harmful UV light and use the condensate from the air-conditioning units.

That roof, along with the new windows that deflect heat, lights that automatically turn off in vacant rooms and dim in rooms lit by windows, solar panels on the roof and more than a dozen other features, made the building 40 percent more energy-efficient than it was.

Few people get excited about the windows, but the roof has attracted attention.

"They all want to have lunch out here," said Pat Ortiz, who manages the building.

But her answer to the office workers is no. The roof does not meet accessibility requirements, so there is a metal bar across the door leading to it. Even the maintenance staff is only on the roof for a couple hours every other week.

The meadow is far better than what the office workers used to see.

"Before it looked like an industrial nightmare," said Bret Smith, GSA's project manager for the renovation.

The roof was black and crisscrossed with the utility lines and air-conditioning units.

It was also a heat trap.

The courthouse is a lopsided hexagon that surrounds a large light well that stops at the roof of the second floor.

When the six-story building was opened in 1937 artificial lighting and air-conditioning were rare, Smith explained, and the light well allowed air to circulate and light to reach the lower floors.

Slower heat transfer

As the sun heated the black roof at the bottom of the light well, the energy would transfer into the building via the surrounding windows on the upper four stories.

Now when the sun beats down, it hits plants and the heat can't transfer to the building as quickly, especially when the plants get their mid-day watering with the condensate collected from the air-conditioning systems.

In Texas green roofs are slowly gaining traction, according to the Lady Bird Johnson Wildflower Center.

Environmentalists to challenge offshore lease sales

By Jennifer A. Dlouhy

Updated 9:05 am, Monday, December 17, 2012

WASHINGTON — Environmentalists are set to file a lawsuit today challenging the Obama administration's plans to sell offshore drilling leases over the next five years, using a novel argument: that the government overlooked the value of waiting to harvest oil and gas from those coastal waters.

The economic-driven approach is a new one for offshore drilling critics, who have separately accused the government of moving too swiftly to approve new oil and natural gas exploration after the Deepwater Horizon disaster and of ignoring the environmental effects of the work.

Lawyers with New York University's Institute for Policy Integrity are filing the lawsuit in the U.S. Circuit Court for the District of Columbia on behalf of the Santa Fe, N.M.-based Center for Sustainable Economy. The lawsuit will ask the court to kick out the current program and to require the Interior Department to revise it.

The legal challenge takes direct aim at the Interior Department's plan to hold more than a dozen offshore drilling lease sales in the Gulf of Mexico and waters around Alaska before June 30, 2017.

"It's clear to us that the new offshore leasing program was hastily prepared to score political points," said John Talberth, the Center for Sustainable Economy's president and senior economist.

The crux of the challenge is that Interior's Bureau of Ocean Energy Management rushed ahead with new sales without fully evaluating the environmental and financial effects of the drilling, including whether the government would bring in or save more money by keeping the oil and gas locked up.

According to the group's financial reasoning, oil and gas extracted from newly leased waters could be more valuable over time if fossil fuels become scarcer.

Talberth noted a current glut of natural gas from drilling on land. Gas recovered offshore would compete with those supplies, possibly further suppressing the relatively low price for that fossil fuel.

He also insists that additional oil and gas drilling should be considered only after moves to promote conservation, to improve efficiency and to invest in renewable energy.

Federal law obligates the government to establish the five-year leasing programs and conduct a net public benefit analysis of the proposed sales.

Among the factors that the Center for Sustainable Economy thinks should have been on the table: the costs of deep-water drilling disasters, government subsidies and carbon emissions tied to production and combustion of the fossil fuels.

“The law says come out with a program that best meets the needs of the American public, and that includes not developing a resource and deferring that resource to the future, especially at a time when we're exporting (oil and gas),” Talberth said.

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Read more: <http://www.mysanantonio.com/business/article/Environmentalists-to-challenge-offshore-lease-4122479.php#ixzz2FKtxFuRo>

THE POLITICS AND BUSINESS OF UNCONVENTIONAL ENERGY

2. REGULATION:

Texas inspectors field-test stepped-up enforcement

Mike Soraghan, E&E reporter

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The state agency that regulates the most oil and gas drilling in the country is stepping up use of its most potent penalty -- shutting down wells.

The Texas Railroad Commission has used the penalty, called "severing" or "sealing" a well, mostly against operators that fail to file paperwork rather than health or safety violations.

But the commission, which oversees oil and gas but not railroads, is field-testing a program to refer severance cases to headquarters for enforcement if problems aren't corrected or the severances pile up.

That could mean a massive increase in enforcement, because the commission has historically issued far more severances than enforcement actions. In 2009, drilling inspectors referred about 3,200 cases for enforcement. But the agency issued more than 10,000 severance orders.

"This change alone could significantly increase the number of enforcement actions taken by the commission in the future," stated an analysis of the agency done by Texas' Sunset Advisory Commission.

A review by *EnergyWire* earlier this year showed that fewer than 10 percent of wells shut down in 2009 and 2010 were severed for violations that inspectors found during inspections. Some were shut down for late reports or "overproduction" (*EnergyWire*, Feb. 4).

Under the new guidelines, leases that have been severed in excess of 90 days will be referred to agency headquarters in Austin for enforcement action, explained Railroad Commission spokeswoman Gaye McElwain.

Habitual violators, defined as operators with leases that have three severances within a 12-month period for the same violation, also will be referred to enforcement.

"Broader implementation of these enforcement policies depend upon the results of the commission's field testing," McElwain said. The field testing began in September.

More broadly, the agency is implementing new enforcement policies recommended by the Sunset commission, which does a top-to-bottom review of each Texas agency on a rotating basis. Among the recommendations it's following are formally adopting penalty guidelines and developing an enforcement policy to guide staff in evaluating drilling violations.

The Sunset commission is among those that have criticized the agency's enforcement of drilling rules. Its detailed report in 2011 called for a "fundamental restructuring" of the agency and portrayed the agency's enforcement as unfocused and lax (*Greenwire*, Nov. 14, 2011).

In response to such accusations, railroad commissioners have often pointed to their severance authority.

"The power and use by Railroad Commission field staff of lease severances is a valuable tool to enforce our rules, deter future violations and bring operators into quick compliance, without the delay and expense of an enforcement hearing," then-Commissioner Michael Williams wrote in a reply to the Sunset panel.

EnergyWire analyzed 20,000 severances issued during fiscal 2009 and 2010. Of those, 5,520 were for production violations, while 1,726 were shut down for "field rule violations" -- problems found during inspections.

The largest share of severances, more than 6,000 during 2009 and 2010, were imposed for failure to file a form, H-15, showing that an older well has passed a mechanical integrity test.

About of third of the field rule violations were listed as unresolved at the end of fiscal 2010.

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Daily News

Cement Sector, Environmentalists Spar Over EPA Plan To Soften Air Rules

Posted: December 14, 2012

The Portland cement industry and environmentalists are sparring over an imminent EPA rule revising emission control requirements for the sector and delaying compliance by two years, with industry pushing EPA to issue the rule as planned while environmentalists warn the rule would be too weak and “unlawful” under the Clean Air Act.

The industry is urging EPA to quickly finalize a rule that will revise air rules for the sector but delay the compliance deadline for the regulations by two years, offering support for the agency's proposal to soften particulate matter (PM) standards for cement producers by saying recent data justifies the weaker limits.

Representatives of the Portland Cement Association (PCA) and several cement companies met with White House Office of Management and Budget (OMB) and EPA officials Dec. 12 to support EPA's imminent final reconsidered national emission standard for hazardous air pollutants (NESHAP) and criteria pollutant rules for the sector.

OMB began review of the rule Dec. 6, according to OMB's website, with the agency facing a looming Dec. 20 consent decree deadline to finalize the rule. The Dec. 20 deadline stems from [a settlement with PCA](#) and others in the industry to propose revisions to the rules.

The rulemaking will respond to the cement sector's push for reconsideration of the emissions rules and also address the U.S. Court of Appeals for the District of Columbia Circuit's December 2011 ruling in *PCA v. EPA* partly remanding the rule back to the agency. The court found that EPA had failed to reconsider how a related incinerator air rule may potentially alter the cement rule's emission limits, and that the agency failed to give “sufficient notice” of its final standards for open clinker storage piles, which are exposed piles of cement.

In the June 22 proposed revisions to the rule, EPA proposed to weaken the PM limit for existing kilns from 0.04 pounds per ton (lb/ton) of clinker to 0.07 lb/ton clinker and the limit for new kilns from 0.01 lb/ton clinker to 0.02 lb/ton clinker.

EPA also proposed to extend the compliance deadline for the air toxic standards from 2013 to Sept. 9, 2015, saying, “We believe that this date would require compliance ‘as expeditiously as practicable’” as required by the Clean Air Act.

[Environmentalists have argued](#) that these revisions are unlawful, both exceeding the changes required by the D.C. Circuit's narrow ruling and watering down the cement standards for unknown reasons.

In comments on the rule, environmentalists claimed the compliance delay is arbitrary and capricious given that EPA failed to adequately justify it, and that the delay in requiring compliance “will greatly exacerbate the harm that EPA already has caused and the suffering that ordinary Americans have had to endure” given that EPA was supposed to update the cement air toxics rule in 1997.

And in [a Nov. 16 letter to EPA](#), a number of environmental groups express “grave concern” with the planned rule and ask for a meeting with Administrator Lisa Jackson to discuss the rule.

The groups say, “Our communities have fought for decades for EPA action, were overjoyed at the 2010 final rule, and waited with great anticipation for the 2013 compliance deadline. Now, we are faced with the possibility that all of our efforts, organizing, and advocacy have been in vain.”

The groups -- including California Communities Against Toxics, Downwinders At Risk and others -- say that the "revisions and delay are completely unnecessary from a scientific and legal perspective. With an agency often decrying dwindling budget resources and the pressures of meeting court-ordered deadlines, it is even more bewildering why the agency would use its limited time and resources on an unnecessary rulemaking. We are truly puzzled as to why the EPA, under your leadership, would choose to imperil the health of our communities."

An environmentalist says, "What EPA is doing here is unlawful." The source, however, declined to say whether groups would sue over the rule. The source also says EPA has not yet replied to the letter.

Industry Defends Rulemaking

But PCA in [materials presented at the Dec. 12 OMB meeting](#) defended the rule, saying it "supports and affirms both the process and the substance of the NESHAP revisions," as the proposed changes would address the D.C. Circuit's ruling while also allowing "enough time to install cost effective controls" yet requiring "significant reductions in emissions."

The group in the presentation says that data supports revisions to soften the PM standard, and that the resetting of the compliance deadline is "critical" to allowing companies to make proper pollution control decisions in light of the revised PM standards.

Specific to the revised deadline, PCA argues that the cement industry "will need [the] full 24 months to implement new rule" and that "60 percent of plants will have to rethink their compliance approach and selection of control strategies . . . We do not have the time to change direction back to the current rule and get the controls installed and operating in less than a year."

PCA says it "has worked closely and openly with EPA and we believe that the revised NESHAP will become a model for future regulatory engagements." -- *Bobby McMahon* (bmcMahon@iwpnews.com)

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